II. REMARKS

Claims 16, 32, 37 and 55 have been withdrawn for pertaining to a non-elected invention. With respect to claims 37 and 55, which respectively depend upon independent claims 33 and 51, Applicants contend that when independent claims 33 and 51 are allowed then dependent claims 37 and 55 must be rejoined with the allowed claims in accordance with MPEP § 821.04. Claims 1-15, 17-31, 33-36, 38-49, 51-54 and 56-76 have been examined on the merits.

Claims 1, 15, 17, 31, 33, 51 and 67-76 have been amended, and new claim 77 has been added. Specifically, independent claims 1, 17, 71 and 72 have been amended to recite "the linking server enables a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content" as supported on page 37, lines 8-18, of Applicants' specification as originally filed. Independent claims 15, 31, 33 and 67 have been amended to recite "the linking server enables a plurality of formats to stream without having to deploy one or more reference files containing an address to...media content" as supported on page 37, lines 8-18, of Applicants' specification as originally filed. Independent claim 51 has been amended to recite "a linking server enabling a plurality of formats to stream without having to deploy one or more reference files containing an address to media content, multi-media content or non-media content" as supported on page 37, lines 8-18, and as supported by previous claims 53-55, of Applicants' disclosure. Independent claims 68, 69, 70, 73, 74, 75 and 76 have been amended to recite "a linking server enabling a plurality of formats

to stream without having to deploy one or more reference files containing an address to media content" as supported on page 37, lines 8-18, of Applicants' specification as originally filed.

In addition, independent claims 1 and 17 have been amended to recite

> "link encoded web pages, or link encoded electronic mail messages, or link encoded web pages and link encoded electronic mail messages, are displayed and said at least one client workstation enabling a user to select a link of the link encoded web pages, or link encoded electronic mail messages, or link encoded web pages and link encoded electronic mail messages"

as supported by previous claims 1 and 17. In other words, the present amendment of claims 1 and 17 merely clarifies these claims and does not further limit the scope of independent claims 1 and 17.

Independent claims 17, 31, 33, 51, 68, 69, 70, 71, 72, 73 and 74 have been amended to recite a "link encoded web page" and a "link encoded electronic mail message" as supported by previous claims 1 and 17. Independent claims 51, 73, 74 have also been amended to improve grammar and to recite "a first request," which merely improves claim clarity and does not further limit the scope of these claims. Independent claim 67 has been amended to recite a "link encoded web page" as supported by previous claims 1 and 15. Independent claim 68 has been amended to recite a "link encoded website" as supported by previous claims 1 and 15. Independent claim 70 has also been amended to improve grammar, which does not further limit the scope of this claim.

Independent claims 72, 74 and 76 have also been amended to recite "computer program code stored on memory of a computer" as supported on page 36, lines 18-21, and on page 67, lines 8, to page 68, line 2, of Applicants' specification as originally filed.

Independent claims 75 and 76 has been amended to recite "the web page is a link encoded web page and the electronic mail message is a link encoded electronic mail message" as supported by previous claims 1 and 15.

Independent claim 73 has been amended to improve grammar and to additionally recite --and the connection processor is a linking server enabling a plurality of formats to stream without having to deploy one or more reference files containing an address to the media content-- as supported on page 15, lines 12-23, of Applicants' specification as originally filed.

New independent claim 77 is supported by present independent claims 1 and 17.

No new matter has been added to the above-captioned application by the present amendment.

A. The Invention

The present invention pertains broadly to a method and system for delivering and streaming multi-media content over the Internet or other computer network. In particular, in accordance with an apparatus embodiment of the present invention, a system for delivering streaming multi-media content is provided that includes the features recited in independent claim 1. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 15. In accordance with yet another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 33. In accordance with still another apparatus embodiment of the present invention, a system is provided that includes the features recited in

independent claim 67. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 69. In accordance with still another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 72. In accordance with yet another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 74. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 76. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 77.

In accordance with a method embodiment of the present invention, a method of processing requests for multi-media content is provided that includes the steps recited by independent claim 17. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 31. In accordance with still another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 51. In accordance with yet another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 68. In accordance with still another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 70. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 71. In accordance with yet another method embodiment of the present invention, a method is provided that includes the

steps recited by independent claim 73. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 75.

Various other method and apparatus embodiments, in accordance with the present invention, are recited by the dependent claims.

An advantage of the methods and apparatuses of the present invention over prior art methods and apparatuses is that the methods and apparatuses of the present invention have the feature that they employ a "linking server" that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to...content." Thus, the present invention utilizes a linking server to facilitate the streaming of media-content, multi-media content and non-media content in a plurality of formats and does not have to rely upon the application of reference files containing content addresses in order to achieve streaming of digital content in a plurality of formats.

B. The Rejections

Claims 72, 74 and 76 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 51-66, 70 and 73 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Claims 1, 2, 4-15, 33-36, 38, 40-50, 67, 68 and 71-76 stand rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative under 35 U.S.C. § 103(a) as unpatentable in view

of, Hans (U.S. Patent Application Publication 2002/0120577 A1, hereafter the "Hans Publication").

Claims 17, 18, 20-31, 51-54 and 57-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of RFC 959 (File Transfer Protocol, Postel et al., October 1985, hereafter, "RFC 959 Document"). Claim 69 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of Kenner (U.S. Patent 6,421,726 B1, hereafter, the "Kenner Patent"). Claim 70 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of the RFC 959 Document and the Kenner Patent. Claims 3 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of Stewart (U.S. Patent Application Publication 2002/087707, hereafter the "Stewart Publication"). Claims 19 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of the RFC 959 Document, and further in view of the Stewart Publication.

Applicants respectfully traverse the Examiner's rejections and request reconsideration of the above-captioned application for the following reasons.

C. Applicants' Arguments

In view of the present amendment, Claims 1-15, 17-31, 33-49 and 51-77 are now in compliance with 35 U.S.C. § 112.

i. The Section 102(e) Rejection

Anticipation under 35 U.S.C. § 102 requires showing the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). What subject matter a reference discloses is a matter of fact, In re Napier, 34 U.S.P.Q.2d 1782, 1784 (Fed. Cir. 1995), and the Examiner is obligated to give a fair reading to what a reference teaches as a whole. In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). Furthermore, when the Examiner asserts that there is an explicit or implicit teaching in a reference, the Examiner must indicate where such a teaching appears in the reference. In re Rijckaert, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993).

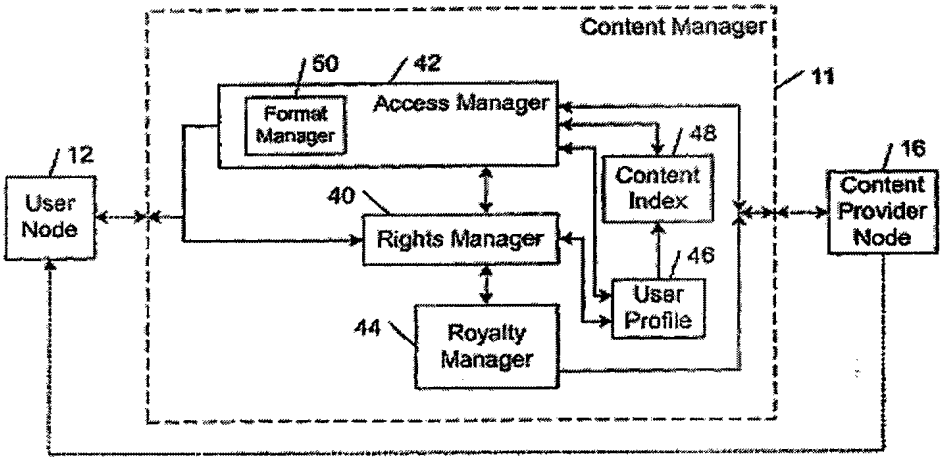
In the present case, the Examiner has failed to establish a prima facie case of anticipation against the instant claims because the Hans publication does not teach, or suggest, a "linking server" that "enables a plurality of formats to stream without having to deploy one or more reference files containing an address to...content" as recited by Applicants' claims. By asserting that the "contents manager" (11) of the Hans Publication is a "linking server" the Examiner has not given a fair reading to what the Hans Publication discloses as a whole.

iii. The Hans Publication

The Hans Publication discloses "managing access to digital content" such as may be used to license digital content (See Abstract of the Hans Publication). More specifically, the Hans Publication discloses a digital content access management system that enables users to

register previously owned digital content and, subsequently, allows users to access the registered content using any electronic device that is connected to the system (See Abstract). The Hans Publication further discloses that digital content may be pushed or pulled from any electronic system that is connected to a network--no matter where it is located--to any other electronic system that is connected to a network (See Abstract). The Hans Publication also discloses a business model, as well as a system and a method for implementing this business model, wherein payments are made to content providers upon registration of previously owned digital content (See Abstract).

In particular, the Hans Publication discloses a "content manager" (11) as shown in Figure 3 (reproduced below) that determines if a user (12) requesting access to digital content has a current license to access the requested content (See ¶ [0022]). If so, the content manager (11) enables the user to access the requested digital content, and if not, the content manager (11) may allow the user to purchase a license (See ¶ [0029]).



However, the Hans Publication does not teach, or even suggest, a "linking server" that "enables a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content" as recited by Applicants' independent claims 1, 17, 71 and 72, and a "linking server" that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to...media content" as recited by Applicants' claims 15, 31, 67-70 and 73-76, and a "linking server" that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to media content, multi-media content or non-media content" as recited by independent claim 51. On the contrary, the Hans Publication discloses only conventional content servers, such as content management server (26), (See ¶ [0025]), and the "provider content server" shown in Figure 2. A person of ordinary skill in the art would immediately realize that a conventional content server must deploy one or more reference files containing an address of content in order to enable streaming of digital content for a plurality of formats.

As explained at 37, lines 8-18, of Applicants' specification as originally filed, it was conventionally known that three files had to be managed in order to stream content, namely, (1) the Web page from which a content file is to stream to another Web page, (2) a "reference file" that contains the Internet address of the content file to be streamed, and (3) the content file. Therefore, a person of ordinary skill in the art would necessarily conclude that the content servers disclosed by Hans operate in the same fashion as a conventional content server. Therefore, assuming, *arguendo*, that the Hans Publication discloses streaming of media or multi-media content (a fact that Applicants do not concede), the streaming protocol employed

by the Hans Publication must necessarily include transmission of "one or more reference files" that contain the "address" corresponding to the streamed content files.

For this reason alone, the Hans Publication fails to teach, or suggest, a "linking server" in accordance with Applicants' claimed invention that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to...content." However, this is not the only deficiency in the disclosure of the Hans Publication. The Hans Publication does not teach, or suggest, any kind of "linking server" whatsoever.

In particular, Applicants' specification, at 67, lines 3-7, describes one non-limiting embodiment of the present invention that identifies a "linking server" that "handles the processing of link or connection reference tags," which is distinguished from a content server such as a RealNetworks server that hosts media content and which is distinguished from a web server that retrieves requested Web pages and routes them to a client workstation. The "content manager" (11) of the Hans Publication merely authorizes or denies transmission of requested digital content from a content provider node (16) to a user node (12). As evident from Figure 3 of the Hans Publication, the transmission of content, once authorized, is transmitted directly from the content node provider (16) to the user node (12) as shown by the arrow directly connecting (16) to (12). Thus, the function provided by the content manager (11) is authorization or denial of transmission. The content manager (11) does not handle the processing of link or connection reference tags, for example. In fact, the content manager (11) is not a "server" that provides any form of "linking" function whatsoever as these terms would

be understood by a person of ordinary skill in the art (See, e.g., COMPUTER PROFESSIONAL'S DICTIONARY 212 and 301 (1990), filed herewith).

The Hans Publication also does not teach, or even suggest, a "link encoded web page" and a "link encoded electronic mail message" as recited by independent claims 17, 31, 51, 69, 70, 71, 72, 73, 74, 75, 76 and 77, and a "link encoded web page" as recited by independent claim 67, and a "link encoded website" and a "link encoded electronic mail message" as recited by independent claim 68. While the Examiner contends that the Hans Publication discloses a "link encoded web page" (Office Action, dated March 30, 2007, at 9, lines 7-9), the Examiner identifies ¶ [0026] of Hans as disclosing this feature of Applicants' invention. Applicants disagree. On the contrary, ¶[0026] of the Hans Publication merely states that

> "content manager **11** may operate an Internet web site that may be accessed by a conventional web browser application program executing, on a user's computer system."

The Hans Publication, at ¶[0026], is completely silent regarding the subject of a "link encoded web page." Therefore, Applicants contend that the Examiner has misconstrued the Hans Publication, which does not teach or suggest a "link encoded web page."

For all of the above reasons, the Hans Publication does not anticipate the subject matter of independent claims 1, 15, 17, 31, 33, 51 and 67-77.

ii. The Section 103 Rejections

A prima facie case of obviousness requires a showing that the scope and content of the prior art teaches each and every element of the claimed invention, and that the prior art provides

some teaching, suggestion or motivation to combine the references to produce the claimed invention. In re Oetiker, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992); In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). In this case, the Examiner has failed to establish a prima facie case of obviousness against independent claims 1, 15, 17, 31, 33, 51 and 67-76 because neither the Hans Publication, the RFC 959 Document, the Kenner Patent nor the Stewart Publication, teach or even suggest a "linking server" that "enables a plurality of formats to stream without having to deploy one or more reference files containing an address to...content."

iv. The Hans Publication

As discussed above, the Hans Publication does not teach, or suggest, a "linking server" that "enables a plurality of formats to stream without having to deploy one or more reference files containing an address to...content" as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77. Furthermore, the Hans Publication does not teach, or suggest, a "link encoded web page" and a "link encoded electronic mail message" as recited by Applicants' claims.

The Examiner argues that even if the system and method disclosed by the Hans requires the deployment of one or more reference files, the Examiner contends that "[d]eploying reference files is a known manual process," which the Examiner further contends would be obvious to replace by an automatic process (Office Action, dated March 30, 2007, at 10, lines 3-10). Applicants traverse the Examiner's position on multiple grounds.

First, as described on page 10, lines 13-23, of Applicants' specification as originally filed, the deployment of one or more "reference files" was previously required in order to

stream content (i.e., media files). A person of ordinary skill in the art would instantly know that while reference files are created manually (See Applicants' specification at 10, lines 13-23), they are generally deployed automatically by an information management system. The issue is irrelevant, however, because the present invention eliminates the need to provide reference files, and thus eliminates a previous step or requirement in the streaming process.

In other words, the present invention employs a hyperlink, for example, that is directed to the linking server and the system then uses the hyperlink to automatically generate the streaming media format's reference file's information and then sends this information (i.e., a media format address) to the streaming media server hosting the appropriate format (See, Applicant's original specification, at 10, lines 24-30). Thus, information (i.e., an address) that was conventionally sent as data in a reference file is provided via a hyperlink directed to a linking server. In this way, the web developer, who no longer has to create the reference files, is spared the task of having to include specialized port specifications and parameters in html reference tags, and is spared having to manage matching reference files on a Web server for each media file streamed by a media server (See Applicants' original specification, at 10, line 31, to at 11, line 6). The Examiner has failed to appreciate this aspect of the present invention. The Examiner is in error when he contends that Applicants have merely automated a previously manual process because Applicant has replaced a cumbersome process of managing address information using reference files with a more elegant process employing hyperlinks and a linking server to provide address information.

Second, to the extent the Examiner contends that "deploying one or more reference files

is a [well]-known manual process, " Applicants object. Rejections must be based on "substantial evidence" and not on bare assertions regarding what the Examiner believes is "common knowledge" or "well-known" in the art. In re Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Therefore, to the extent that the Examiner is taking "Official Notice," Applicants object and traverse the "Official Notice" on the grounds that the Examiner is factually in error because deployment of reference files during streaming is an automated process and not a manual process. Consequently, the Examiner must provide "substantial evidence" in support of his "Official Notice" or withdraw the unsupported Section 103 rejections.

As admitted by the Examiner (Office Action, dated March 30, 2007, at 11, lines 12-14; at 21, lines 9-11; at 25, lines 8-12; at 27, line 20, to at 28, line 2; at 30, lines 6-10; at 30, line 20, to at 31, line 2), the Hans Publication does not teach, or suggest, (1) "uploading the multi-media content to at least one multi-media content server" as recited by independent claim 17; (2) "uploading the multi-media content to at least one multi-media content server" as recited by independent claim 31; (3) "uploading at least one of information and information services to at least one multi-media content server" as recited by independent claim 51; (4) generating "at least one other request responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services" as recited by independent claim 69; (5) "uploading at least one of information and information services to at least one media server" and "generating at least one other request for the at least one of information and information services responsive to the requirements of a dynamic resource distribution optimization program responsive to

changes in network demand for the at least one of information and information services" as recited by claim 70; (6) "said request expressly specifies a communications port..." as recited by claims 3, 19 and 39; (7) "Windows Media™, RealNetworks™, QuickTime™" as recited by claims 8, 10, 24, 26, 44, 46, 61 and 63; and (8) "Visual Basic and Visual Basic Script under Microsoft ASP" as recited by claims 12, 28, 48 and 65.

v. The RFC 959 Document

The RFC 959 Document discloses the "official specification of the File Transfer Protocol." However, the RFC Document does not teach, or suggest, a "linking server" that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to...content."

vi. The Kenner Patent

The Kenner Patent discloses a "system and method for selection and retrieval of diverse types of video data on a computer network," wherein the system and method for the selection and retrieval of various types of video data from distributed delivery sites calls for the deployment of "Smart Mirror" sites throughout a network, each of which maintains a copy of certain data managed by the system (See Abstract of the Kenner Patent). The Kenner Patent discloses that each "Smart Mirror" site maintains copies of the data in several alternative file formats and every user is assigned to a specific delivery site based on an analysis of network performance with respect to each of the available delivery sites (See Abstract). The Kenner

Patent further discloses that generalized network performance data is collected and stored to facilitate the selection of additional delivery sites and to ensure the preservation of improved performance in comparison to traditional networks, and that the appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data (See Abstract).

However, the Kenner Patent does not teach, or suggest, a "linking server" that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to...content."

vii. The Stewart Publication

The Stewart Publication discloses "network protocols for distributing functions within a network" wherein a network protocol distributes control and lookup functions among various network elements and plural servers are permitted to service the same domain name without requiring re-mapping (See Abstract of the Stewart Publication). The Stewart Publication discloses that each client or server is permitted to have a different network quality of service level that is provided by one or more network elements of a network or server quality of service level that is provided by a server (See Abstract).

However, the Stewart Publication does not teach, or suggest, a "linking server" that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to...content."

viii. Summary of the Disclosed Subject Matter

Neither the Hans Publication, the RFC 959 Document, the Kenner Patent, the Stewart Publication, nor the Examiner's "Official Notice" teach, or suggest, (1) a "linking server" that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to...content" as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-76. Also, the combination of the Hans Publication, the RFC 959 Document, the Kenner Patent, the Stewart Publication, and the Examiner's "Official Notice" still fails to teach, or even suggest, (2) a "link encoded web page" as recited by independent claims 1, 15, 17, 31, 33, 51, 67, 69, 70, 71, 72, 73, 74, 75, 76 and 77, (3) a "link encoded website" as recited by clam 68, and (4) a "link encoded electronic mail message" as recited by independent claims 1, 15, 17, 31, 33, 51, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77.

For all of the above reasons, no combination of the Hans Publication, the RFC 959 Document, the Kenner Patent, the Stewart Publication, and the Examiner's alleged teachings (i.e., the "Official Notice") is sufficient to establish a prima facie case of obviousness against the instant claims.

III. CONCLUSION

In view of the present amendment, claims 1-15, 17-31, 33-36, 38-49, 51-54 and 56-77 are in compliance with 35 U.S.C. § 112. Furthermore, the Examiner has failed to establish a prima facie case of anticipation under 35 U.S.C. § 102(e) against Applicants' claims because the Hans Publication does not teach, or suggest, a "linking server" that enables "a plurality of

formats to stream without having to deploy one or more reference files containing an address to...content," and also does not teach, or suggest, a "link encoded web page," a "link encoded website," and a "link encoded electronic mail message." The Examiner has also failed to establish a prima facie case of obviousness against Applicants' claims because no combination of the Hans Publication, the RFC 959 Document, the Kenner Patent, the Stewart Publication, nor the Examiner's "Official Notice" teach, or suggest, a "linking server" that enables "a plurality of formats to stream without having to deploy one or more reference files containing an address to...content" as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77, and also fails to teach or suggest a "link encoded web page," a "link encoded website," and a "link encoded electronic mail message."

For all of the above reasons, claims 1-15, 17-31, 33-36, 38-49, 51-54 and 56-77 are in condition for allowance and a prompt notice of allowance is earnestly solicited.

Questions are welcomed by the below-signed attorney for Applicants.

Respectfully submitted,

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